

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- v. -

LEBANESE CANADIAN BANK SAL et al.,

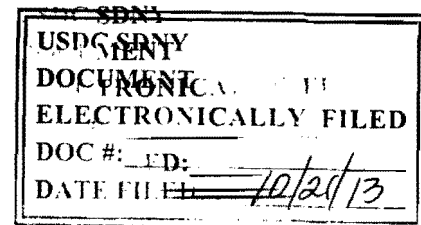
Defendants,

ALL ASSETS OF LEBANESE CANADIAN
BANK SAL OR ASSETS TRACEABLE
THERE TO, et al.,

Defendants *in rem*.
-----X

STIPULATION AND ORDER

11 Civ. 9186 (PAE)



WHEREAS, on or about December 15, 2011, a Verified Complaint, 11 Civ. 9186 (RJH) (the "Complaint") was filed in the United States District Court for the Southern District of New York seeking, *inter alia*, the forfeiture of certain properties pursuant to Title 18, United States Code, Section 981(a)(1)(A) and (a)(1)(C) (the "Defendant Property");

WHEREAS, on or about May 30, 2012, American Alternative Insurance Company, the Princeton Excess & Surplus Lines Insurance Company, and Great Lakes UK Insurance Company (the "American Insurance Claimants") filed a Verified Claim to the Defendant Property;

WHEREAS, on or about May 30, 2012, One Beacon Insurance Group ("One Beacon") filed a Verified Claim to the Defendant Property (the "One Beacon Claim");

WHEREAS, on or about May 30, 2012, Vigilant Insurance Company, Chubb Customer Insurance Company, Chubb Indemnity Insurance Company, Federal Insurance

Company, Chubb Insurance Company of New Jersey, Chubb Insurance Company of Canada, Pacific Indemnity Company and Great Northern Insurance Company (the "Chubb Claimants," and collectively with the American Insurance Claimants and One Beacon, the "Insurance Company Claimants") filed a Verified Claim to the Defendant Property (the "Chubb Claim");

WHEREAS, on or about October 26, 2012, the United States filed a Verified First Amended Complaint (the "Amended Complaint");

WHEREAS, on or about November 26, 2012, Deborah D. Peterson, Personal Representative of the Estate of James C. Knipple, *et. al.* (the "Peterson Claimants," and collectively with the Insurance Company Claimants, the "Judgment Claimants"), filed a Verified Claim to the Defendant Property (the "Peterson Claim");

WHEREAS, on or about December 7, 2012, the American Insurance Claimants filed an Answer to the Amended Complaint;

WHEREAS, on or about December 7, 2012, One Beacon filed an Answer to the Amended Complaint;

WHEREAS, on or about December 7, 2012, the Chubb Claimants filed an Answer to the Amended Complaint;

WHEREAS, on or about January 16, 2013, the Peterson Claimants filed an Answer to the Amended Complaint;

WHEREAS, the Court has entered stipulations and orders of settlement between the United States and all claimants in this action other than the Judgment Claimants, pursuant to which approximately \$103 million and various vehicles (the "Subject Defendant Property") were forfeited to the United States, subject to the claims of the Insurance Company Claimants.

WHEREAS, on or about September 9, 2013, the United States moved to strike the Judgment Claimants' claims to the Defendant Property;

WHEREAS, the Judgment Claimants now wish to withdraw their claims to the Defendant Property;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, through its attorney, Preet Bharara, United States Attorney for the Southern District of New York, Sharon Cohen Levin, Michael D. Lockard, Jason H. Cowley, and Alexander J. Wilson, Assistant United States Attorneys, of counsel, the Insurance Company Claimants and their counsel of record, Sean P. Carter, Esq., of Cozen O'Connor and the Peterson Claimants and their counsel of record, Liviu Vogel, Esq., of Salon Marrow Dyckman Newman Broudy LLP, as follows:

1. The American Insurance Claimants hereby withdraw the American Insurance Claim.
2. One Beacon hereby withdraws the One Beacon Claim.
3. The Chubb Claimants hereby withdraw the Chubb Claim.
4. The Peterson Claimants hereby withdraw the Peterson Claim.
5. The American Insurance Claim, the One Beacon Claim, the Chubb Claim and the

Peterson Claim are dismissed with prejudice.

6. The Subject Defendant Property is forfeited to the United States in its entirety.
7. The Judgment Claimants are hereby barred from asserting any claims against the United States or any of its agents and employees (including, without limitation, the Drug Enforcement Administration ("DEA") and the United States Attorney's Office for the Southern District of New York ("USAO-SDNY") in connection with or arising out of the United States'

seizure, restraint, and/or constructive possession of the Defendant Property, including the Subject Defendant Property; including, without limitation, any claim that the United States did not have probable cause to seize, restrain, and/or forfeit the Defendant Property, that the Judgment Claimants are prevailing parties, or that the Judgment Claimants are entitled to attorneys' fees or any award of interest.

8. Each party waives all rights to appeal or to otherwise challenge or contest the validity of this Stipulation and Order.

9. Each party shall bear its own costs and attorneys' fees.

10. The signature pages of this Stipulation and Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. Signature pages may be by fax or by .pdf file and such signatures shall be deemed as valid originals.

AGREED AND CONSENTED TO:

PREET BHARARA
United States Attorney for the
Southern District of New York


By: 

Sharon Cohen Levin/Michael D. Lockard
Jason H. Cowley/Alexander J. Wilson
Assistant United States Attorneys
One St. Andrew's Plaza
New York, New York 10007
(212) 637-2200

10/18/2013
DATE

[ADDITIONAL SIGNATURES ON FOLLOWING PAGE]

THE AMERICAN INSURANCE CLAIMANTS
THE CHUBB CLAIMANTS
ONE BEACON

By: 
Sean P. Carter, Esq.
Cozen O'Connor
1900 Market Street, The Atrium
Philadelphia, PA 19103
215-665-2105
*Counsel for the American Insurance Claimants,
the Chubb Claimants and One Beacon*

10/16/13
DATE

THE PETERSON CLAIMANTS

By: _____
Liviu Vogel
Salon Marrow Dyckman Newman Broudy LLP
292 Madison Ave, 6th floor
New York, NY 10017
212-661-7100
Counsel for the Peterson Claimants

DATE

SO ORDERED:

THE HONORABLE PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE

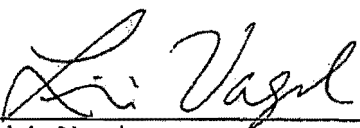
DATE

THE AMERICAN INSURANCE CLAIMANTS
THE CHUBB CLAIMANTS
ONE BEACON

By: _____
Sean P. Carter, Esq.
Cozen O'Connor
1900 Market Street, The Atrium
Philadelphia, PA 19103
215-665-2105
*Counsel for the American Insurance Claimants,
the Chubb Claimants and One Beacon*

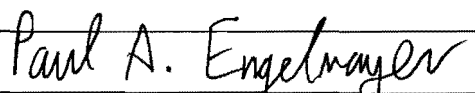
DATE

THE PETERSON CLAIMANTS

By:  _____
Liviu Vogel
Salon Marrow Dyckman Newman Broudy LLP
292 Madison Ave, 6th floor
New York, NY 10017
212-661-7100
Counsel for the Peterson Claimants

10/15/13
DATE

SO ORDERED:

 _____
THE HONORABLE PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE

10/21/13
DATE